

Basics of Violence Against Women Act

With the 2016 VAWA Reauthorization Act by Congress of the [Violence Against Women Act \(VAWA\)](#) of 2013, the Low Income Housing Tax Credit program (LIHTC) was added to the list of covered programs. The VAWA protections apply to all victims of domestic violence and other related crimes, regardless of sex, gender identity or sexual orientation. The following housing programs are covered by VAWA:

- Public Housing
- Section 8 Housing Choice Vouchers
- Project-based Section 8
- Section 202 Supportive Housing for the Elderly
- Section 811 Supportive Housing for People with Disabilities
- Section 236 Multifamily Rental Housing
- Section 221(d)(3) Below Market Interest Rate (BMIR)
- HOME Investment Partnerships Program (HOME)
- Housing Opportunities for Persons with Aids (HOPWA)
- McKinney-Vento Homeless Assistance Act
- Rural Development Multifamily Programs
- Low Income Housing Tax Credit (34 USC Section 12491(a)(3))
- Housing Trust Fund (24 CFR Section 5.2003)

With VAWA protections, an applicant or tenant of housing assisted units under the above listed programs may not be denied admission, denied assistance, terminated or evicted from housing on the basis that they are a victim of domestic violence, dating violence, sexual assault or stalking. The applicants/tenants must also otherwise qualify for admission, assistance, participation or occupancy. An incident of domestic violence, dating violence, sexual assault or stalking shall not be considered a lease violation by the victim, nor shall it be considered good cause for an eviction. If a tenant who is a victim requests an early lease termination, lease bifurcation from the abuser or transfer to another unit because she/he feels that she/he is in danger, an owner/management agent shall make every effort to comply with the request and shall not penalize the tenant.

In March, 2022, Congress passed the [Violence Against Women Act Reauthorization Act of 2022](#). The Reauthorization Act includes but is not limited to:

- Provides VAWA funds for fiscal years 2023-2027.
- The National Housing Trust Fund (NHTF) was officially added as a covered program. HUD had used its regulatory authority to apply VAWA protections to the NHTF, but the reauthorization enforces this status in the statute.
- Prohibits retaliation or coercion against persons when they exercise their rights or participate in processes related to VAWA housing protections.
- Protects tenant rights to report crimes from one's home.
- Requires HUD's Secretary to establish a Gender-based Violence Prevention Office with a Violence Against Women Act Director.
- Expands the covered housing program to include more housing and homelessness programs.
- Makes VAWA violations at covered housing essentially equivalent to Fair Housing violations.
- Provides tenants **30** days or as HUD defines, 'generally the period of one rent cycle' to submit third-party documentation in cases of conflicting evidence.

VAWA Requirements

Adherence to the requirements of the [Violence Against Women Act Reauthorization Act of 2022](#) is required for all Ohio Housing Finance Agency (OHFA) funded programs; including LIHTC, HOME, National Housing Trust Fund (NHTF), and Ohio Housing Trust Fund (OHTF).

OHFA requires owners/management agents to:

1. Inform a tenant of their rights under VAWA by providing each household with the [HUD Notice of Occupancy Rights Form 5380](#) and the [Certification of Domestic Violence Form 5382](#). These forms must be administered:
 - When an applicant is denied tenancy or assistance
 - At the time of move-in, and
 - With any notification of eviction or termination of assistance
2. Owners must adopt an Emergency Transfer Plan (ETP). The ETP is for victims seeking safety, which incorporates reasonable confidentiality measures to ensure that the owner/management agent does not disclose the location of the dwelling unit of a tenant to a person that has committed an act of violence or stalking against the tenant. Owners are highly recommended to use the [HUD Model Plan Form 5381](#) but are cautioned that the model plan contains only general provisions of an ETP that apply across HUD programs. Adoption of this model plan without further information may not be sufficient to meet the owner's responsibility to adopt an emergency transfer plan. Owners must consult applicable regulations and program-specific HUD guidance when developing their own emergency transfer plans, to ensure their plans contain all required elements.

Owners that do not use the [HUD Model Plan](#) to create their ETP must consult applicable regulations and program-specific HUD guidance when developing their own emergency transfer plans, to ensure their plans contain all required elements.

The ETP must allow survivors to transfer to another safe and available unit if:

- The tenant expressly requests the transfer; AND
 - The tenant reasonably believes they are threatened with imminent harm if they remain in the same unit; or if the tenant was a victim of sexual assault that occurred in the 90 days preceding the request.
3. When a tenant invokes VAWA protection and requests a transfer, OHFA recommends using the [Certification of Domestic Violence form 5382](#) and the [Emergency Transfer Request form 5383](#). Other possible documentation includes an affidavit signed by the victim under penalty of perjury, an affidavit or letter signed by a domestic violence service provider, attorney or medical/mental health professional who assisted the victim, or a court or administrative record. The tenant ultimately has the right to choose which type of documentation to submit to an owner/management agent when VAWA protections are invoked. This **submission must be confidential**. HUD also provides [VAWA forms in multiple languages](#).
 4. Must use the HUD VAWA Lease Addendum [HUD-91067](#) for all new move-ins. If this Addendum was not used for in-place households at move-in, the owner/management agent must have the household sign the Addendum at their next recertification date.
 5. Comply with [OHFA's Tenant Selection Plan \(TSP\) Guidelines](#) specifically mandatory element #8 regarding VAWA.
 6. Comply with all requirements as outlined in the 2022 Reauthorization Act.
 7. Certify on the Annual Owner Certification that the owner has complied with all VAWA requirements. The Annual Owner Certification is due March 1st of each year.

Links for Guidance and related VAWA forms:

- Final Rule: Violence Against Women Act 2013 (VAWA 2013)
<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>
- Violence Against Women Reauthorization Act of 2013
<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>
- Violence Against Women Act Reauthorization Act of 2016
<https://www.congress.gov/bill/114th-congress/senate-bill/3434/related-bills?r=2&s=1>
- Violence Against Women Act Reauthorization Act of 2022
<https://www.congress.gov/bill/117th-congress/senate-bill/3623?s=1&r=2>
- OHFA Tax Credit Lease Addendum
<https://ohiohome.org/compliance/documents/LIHTC-LeaseAddendum-22.pdf>
- HUD VAWA Lease Addendum form 91067
<http://ohiohome.org/compliance/documents/91067.doc>
- HUD Notice of Occupancy Rights under VAWA form 5380
<http://ohiohome.org/compliance/documents/5380.docx>
- HUD Model Emergency Transfer Plan form 5381
<http://ohiohome.org/compliance/documents/5381.docx>
- Certification of Domestic Violence form 5382
<https://ohiohome.org/compliance/documents/5382.docx>
- Emergency Transfer Request form 5383
<http://ohiohome.org/compliance/documents/5383.docx>
- VAWA forms in multiple languages
https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5a